

House Bill 1365

By: Representatives Lindsey of the 54<sup>th</sup>, Willard of the 49<sup>th</sup>, and Holmes of the 61<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 42-5-51 of the Official Code of Georgia Annotated, relating to  
2 jurisdiction over certain misdemeanor offenders, designation of place of confinement of  
3 inmates, reimbursement of county, and transfer of inmates to federal authority, so as to  
4 provide that the Department of Corrections shall reimburse counties for state inmates not  
5 transferred to state facilities in an amount negotiated between the county and the department;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-5-51 of the Official Code of Georgia Annotated, relating to jurisdiction over  
10 certain misdemeanor offenders, designation of place of confinement of inmates,  
11 reimbursement of county, and transfer of inmates to federal authority, is amended by revising  
12 subsection (c) as follows:

13 "(c) After proper documentation is received from the clerk of the court, the department  
14 shall have 15 days to transfer an inmate under sentence to the place of confinement. If the  
15 inmate is not transferred within the 15 days, the department will reimburse the county, in  
16 a sum ~~not less than \$7.50 per day per inmate and in such an amount as may be appropriated~~  
17 ~~for this purpose by the General Assembly, negotiated between the department and the~~  
18 county for the cost of the incarceration, commencing 15 days after proper documentation  
19 is received by the department from the clerk of the court. The reimbursement provisions  
20 of this Code section shall only apply to payment for the incarceration of felony inmates  
21 available for transfer to the department, except inmates under death sentence awaiting  
22 transfer after their initial trial, and shall not apply to inmates who were incarcerated under  
23 the custody of the commissioner at the time they were returned to the county jail for trial  
24 on additional charges or returned to the county jail for any other purposes, including for the  
25 purpose of a new trial."

1

**SECTION 2.**

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All laws and parts of laws in conflict with this Act are repealed.